

Michigan Civil Service Commission

Civil Service Rules

as of January 1, 2016

Michigan Civil Service Commission

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State Personnel Director

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Michigan Civil Service Commission Rules

Table of Contents

	PAGE
Michigan Constitution of 1963 (Selected Excerpts)	iv
Chapter 1 Basic Provisions.....	1
1-1 Rules and Amendments	1
1-2 Severability and Captions.....	2
1-3 Regulations and Advisories	2
1-4 Organization of Civil Service Commission.....	3
1-5 Audit and Compliance.....	5
1-6 Merit, Efficiency, and Fitness	5
1-7 Equal Employment Opportunity.....	5
1-8 Prohibited Discrimination	5
1-9 Excepted and Exempt Positions	7
1-10 Temporary Agencies	8
1-11 Citizenship and Work Authorization	8
1-12 Political Activities	8
1-13 Patents and Inventions.....	10
1-14 Copyrights	10
1-15 Employment Relations Board	11
Chapter 2 Employment Provisions.....	13
2-1 Terms of Employment	13
2-2 Oath of Office	13
2-3 Performance Ratings	14
2-4 Layoffs.....	19
2-5 Employment Preference	21
2-6 Discipline	24
2-7 Drug and Alcohol Testing	26
2-8 Ethical Standards and Conduct	29
2-9 [Reserved].....	34
2-10 Whistleblower Protection.....	34
2-11 Leave of Absence with Pay	34
2-12 Leave of Absence without Pay.....	35
2-13 Waived Rights Leave of Absence	36
2-14 Rights of Employees Absent Due to Service in the Uniformed Services	37
2-15 [Reserved].....	41
2-16 Assumption into Classified Service	41
2-17 Retirement	43
2-18 Training.....	44
2-19 Legal Representation.....	44
2-20 Workplace Safety: Violence, Firearms, and Explosives.....	45

Chapter 3 Selection.....47

3-1	Examinations.....	47
3-2	Applicant Pools and Recall Lists	48
3-3	Appointments and Job Changes	49
3-4	Class Clusters	51
3-5	Relation to Collective Bargaining	52
3-6	Probation and Status	52
3-7	Revocation of Appointment	54
3-8	Veterans' Preference.....	55

Chapter 4 Classification57

4-1	Position Establishment and Classification	57
4-2	Position Classification Review	58
4-3	Appeals	58
4-4	Position Abolishment.....	58
4-5	Working out of Class.....	59
4-6	Senior Executive Service (SES).....	59
4-7	Senior Executive Management Assistant Service (SEMAS).....	63
4-8	Equitable Classification Plan (ECP) Group 4.....	67
4-9	Equitable Classification Plan (ECP) Groups 1, 2, and 3.....	69

Chapter 5 Compensation & Fringe Benefits.....71

5-1	Civil Service Compensation Plan	71
5-2	Hours of Service.....	72
5-3	Compensation Schedules.....	73
5-4	Additional Compensation: Overtime, etc.	76
5-5	Additional Compensation: Prison Employees	77
5-6	Additional Compensation: Miscellaneous	79
5-7	Expense Reimbursement	83
5-8	Longevity Payment	85
5-9	Supplement to Workers' Disability Compensation	86
5-10	Paid Holidays and Leave.....	87
5-11	Group Insurance Plans.....	92
5-12	Maintenance Allowance	94
5-13	Retirement	94
5-14	Coordination of Benefits.....	94
5-15	Electronic Funds Transfer.....	94
5-16	[Reserved]	94
5-17	Deferred Retirement Option Plan for State Police Command Officers.....	94

Chapter 6 Employee-Employer Relations98

6-1	Purpose	98
6-2	Employee-Employer Relations Systems.....	99
6-3	Commission Authority	100
6-4	Rights of Employer.....	105
6-5	Rights of Employees.....	106

6-6	Determination of Representation	108
6-7	Dues and Fees	111
6-8	Recognition Rights for Labor Organizations	111
6-9	Negotiations and Impasse	112
6-10	Commission Review and Action	116
6-11	Unfair Labor Practices for the Employer	118
6-12	Unfair Labor Practices for Employees or Labor Organizations	118
6-13	Unfair Labor Practice Procedures	119
6-14	Administration	119
6-15	Strikes	120
6-16	[Reserved]	122
Chapter 7 Disbursements for Personal Services outside the Classified Service		123
7-1	Disbursements for Personal Services outside the Classified Service	123
7-2	Jurisdiction	123
7-3	Standards for Disbursements for Personal Services	125
7-4	Disbursements to Special Personal Services Employees	125
7-5	Disbursements to Independent Contractors	126
7-6	Prior Written Approval by Civil Service Staff	126
7-7	Preauthorized Approval	127
7-8	Emergency Disbursements	128
7-9	Complaints and Investigations	128
7-10	Audit and Enforcement	130
7-11	Contract Requirements	130
7-12	Limitations	130
Chapter 8 Grievances, Technical Complaints, & Appeals		131
8-1	Grievances	131
8-2	Appeals of Grievance Decisions	133
8-3	Technical Complaints	136
8-4	Summary Dismissal of Grievance Appeal or Technical Complaint	139
8-5	Superintending Control by State Personnel Director	139
8-6	Enforcement of Decision of Adjudicating Officer	140
8-7	Appeal to Civil Service Commission	140
Chapter 9 Definitions		143
9-1	Definitions	143
Index to Rules		169

test-designated position until the employee submits to and passes a follow-up drug test or alcohol test. The appointing authority may require the employee to submit to further follow-up testing as a condition of continuing or returning to work.

- (c) **Limitation.** An employee may take advantage of subsection (a) no more often than two times while employed in the classified service. An employee making a report is not excused from any subsequent drug test or alcohol test or from otherwise complying in full with this rule. An employee making a report remains subject to all drug and alcohol testing requirements after making a report and may be disciplined as the result of any subsequent drug test or alcohol test, including a follow-up test.

2-7.6 Identification of Test-designated Positions

Each appointing authority shall first nominate classes of positions, subclasses of positions, or individual positions to be test-designated. The state employer shall review the nominations and shall recommend to the state personnel director the positions to be test-designated positions. The director shall review the recommendations and shall designate as test-designated positions all the classifications, subclasses, or individual positions that meet the definition of a test-designated position. The designation is not limited by or to the nominations or recommendations. The appointing authority shall give written notice of designation to each test-designated employee at least 14 days before implementing the testing provisions of this rule.

2-7.7 Continuation of Existing Programs

Until the state personnel director issues regulations to the contrary, nothing in this rule prohibits an appointing authority from continuing to use an existing drug or alcohol testing program. Nothing in this rule or the regulations prohibits an appointing authority from implementing a drug or alcohol testing program required by federal law or approved by the commission in a collective bargaining agreement.

2-7.8 Coordination of Rule and Federal Regulations

This rule also applies to an employee subject to mandatory federal regulations governing drug or alcohol testing. However, the employee is subject only to the provision of the federal regulation in any circumstance in which (1) it is not possible to comply with both this rule and the federal regulation or (2) compliance with this rule is an obstacle to the accomplishment and execution of any requirement of the federal regulation.

2-7.9 Regulations

The state personnel director shall establish the prohibited levels of drugs and alcohol in the regulations.

[Rule 2-7 last amended effective August 26, 2007]

2-8 Ethical Standards and Conduct

2-8.1 Ethical Conduct Required

Employment in the state classified service demands a high degree of loyalty and imposes high ethical standards on employees to ensure the integrity of state government and maintain effective

services. All employees must meet these ethical standards and all appointing authorities are obligated to enforce these ethical standards.

2-8.2 Prohibitions

(a) All employees. A classified employee shall not do any of the following:

- (1) Divulge or release, for financial gain for the employee or a member of the employee's immediate family, any confidential information that is not by law, rule, regulation, or court order available to members of the general public. However, this subsection does not prohibit an employee from disclosing to a public body a violation or suspected violation as authorized in rule 2-10 [Whistleblower Protection] unless otherwise prohibited by statute, court order, or professional ethics.
- (2) Engage in or agree to engage in, for financial gain for the employee or a member of the employee's immediate family, any business transaction or private arrangement that accrues from or is based on the employee's official position or on confidential information gained by reason of the employee's position.
- (3) Solicit, accept, or agree to accept anything of value (1) from any designated representative [as defined in rule 9-1] or (2) under any circumstances that could reasonably be expected to influence the manner in which the employee performs work or makes decisions.
- (4) Make available any consideration, treatment, advantage, or favor beyond that which is generally granted or made available to others under similar circumstances.
- (5) Represent or act as an agent for any private interests, whether for compensation or otherwise, in any transaction in which the state has a direct and substantial interest and which could reasonably be expected to result in a conflict between the employee's private interests and official state responsibilities.
- (6) Exercise any decision-making authority of the state regarding any state regulation, enforcement, auditing, licensing, or purchasing with respect to any business or entity in which the employee or a member of the employee's immediate family has any financial interest.
- (7) Engage in supplemental employment that conflicts with the satisfactory or impartial performance of the employee's state duties.
- (8) Engage in supplemental employment without the express written consent of the employee's appointing authority.
- (9) Engage in any supplemental employment during actual-duty time.
- (10) Request or use sick leave to engage in supplemental employment.
- (11) Use any state funds, property, or equipment in or for the benefit of any supplemental employment.
- (12) Fail to timely, fully, and accurately report to the employee's appointing authority any of the following:

- (A) Any interest of the employee or the employee's immediate family in any business or entity with which the employee has direct contact while performing official duties as a classified employee.
 - (B) Any supplemental employment or change in approved supplemental employment required by this rule, applicable regulations, or agency work rules.
- (b) **Attorneys.** In addition to any other prohibition, an employee occupying a classified position that requires the employee to be a licensed attorney in the State of Michigan shall not do any of the following, whether for compensation or otherwise:
 - (1) Represent any person or entity with an interest adverse to the State of Michigan or any of its agencies or instrumentalities (1) in any criminal, civil, regulatory, or administrative matter or (2) before any court or administrative agency.
 - (2) Represent any private interest before any state administrative agency.
 - (3) Represent another state employee in any matter, including a personnel matter, against the State of Michigan or any of its agencies or instrumentalities.
- (c) **Excluded employees.** In addition to any other prohibition, the following employees may not represent another employee in any matter or proceeding related to employment, including, but not limited to, investigations, disciplinary conferences, grievances, civil service technical matters, or civil service proceedings:
 - (1) An appointing authority who is a classified employee.
 - (2) An excluded employee occupying a position in human resources under the direction of an appointing authority.

2-8.3 Disclosure

(a) Personal and financial interests.

- (1) **Disclosure.** At least annually, an employee shall disclose to the employee's appointing authority all personal or financial interests of the employee or members of the employee's immediate family in any business or entity with which the employee has direct contact while performing official duties as a classified employee.
- (2) **Action by appointing authority.** If an appointing authority determines that the personal or financial interests of an employee or the employee's immediate family represent an unacceptable conflict of interest with the employee's state duties, the appointing authority may take any of the following actions to eliminate the conflict:
 - (A) Require appropriate actions by the employee or the employee's immediate family regarding the personal and financial interests.
 - (B) Change the employee's job, including, but not limited to, imposing a lateral job change, demoting the employee, changing reporting relationships, changing work locations, or reassigning specific tasks.
 - (C) Separate the employee from the classified service if the conflict cannot be eliminated.

(b) Supplemental employment.

- (1) Disclosure and approval required.** An employee must report all supplemental employment to the employee's appointing authority and must receive approval from the appointing authority to engage in supplemental employment.
 - (A) Employees.** Before engaging in supplemental employment, an employee must disclose the nature and extent of the supplemental employment to the employee's appointing authority. Thereafter, an employee must report all supplemental employment at least annually as required by this rule, applicable regulations, and the appointing authority.
 - (B) Newly-hired employees.** A newly-hired employee who is already engaging in supplemental employment at the time of hire must disclose the nature and extent of the supplemental employment as required by an appointing authority.
 - (C) Changes.** If there is a change in approved supplemental employment, the employee must disclose the nature and extent of the change to the employee's appointing authority within 14 calendar days.
- (2) Action by appointing authority.** If an appointing authority determines that supplemental employment (1) interferes with the employee's attendance or efficiency or otherwise conflicts with the satisfactory performance of the employee's state duties or (2) represents an unacceptable conflict of interest with the employee's state duties, the appointing authority may take any of the following actions:
 - (A)** Withhold or withdraw approval to engage in supplemental employment.
 - (B)** Require the employee to modify, limit, or terminate the supplemental employment.
 - (C)** Change the employee's job, including, but not limited to, imposing a lateral job change, demoting the employee, changing reporting relationships, changing work locations, or reassigning specific tasks.
 - (D)** Separate the employee from the classified service if the conflict cannot be eliminated.
- (3) Service in the uniformed services; exception.** An employee is not required to obtain approval to engage in supplemental employment in the uniformed services. However, unless precluded by military necessity, an employee must give advance written or verbal notice to the appointing authority of any absence from state duties for service in the uniformed services.
- (4) Applicants.** As part of the appraisal process, an appointing authority may require an applicant to disclose the nature and extent of all employment that the applicant intends to continue as supplemental employment after the applicant is hired into the classified service.

2-8.4 Compliance

As a condition of continued employment in the classified service, an employee must comply with the requirements of applicable rules, regulations, agency work rules, and individual requirements imposed by the employee's appointing authority.

2-8.5 Discipline

An employee who engages in conduct prohibited by rule 2-8, an applicable regulation, agency work rule, or individual requirement imposed by the employee's appointing authority, may be disciplined, up to and including dismissal from the classified service.

2-8.6 Reporting Alleged Violations

An employee who becomes aware of any alleged violation of a standard of ethical conduct in this rule, an applicable regulation, agency work rule, or individual requirement imposed by an appointing authority, must report the alleged violation to the employee's appointing authority.

2-8.7 Appointing Authority Guidance and Exemptions

- (a) **Agency work rules and directives.** An appointing authority may issue agency work rules or other written directives to define, implement, and enforce ethical standards. An appointing authority may, for example, do any of the following:
- (1) Establish ethical standards for employees that are more strict than the basic standards established in this rule and the regulations.
 - (2) Define specific prohibited acts and conflicts of interest.
 - (3) Identify specific employees or classes of employees required to file disclosure reports.
 - (4) Establish procedures, forms, and times for disclosure.
 - (5) Establish procedures for an employee to obtain a prior written determination from the employee's appointing authority as to whether specific future conduct is permitted or prohibited.
- (b) ***De minimis* exception.** In an agency work rule or directive, an appointing authority may exempt from the prohibition in rule 2-8.2(a)(3) the receipt of anything of value that is so *de minimis* that the appointing authority has determined that its receipt by the employee could not reasonably be expected to influence how the employee performs work or makes decisions. However, any such *de minimis* exemption may not exceed the following limits:
- (1) Any single tangible or intangible item with a fair market value exceeding \$20.00.
 - (2) Any combination of tangible and intangible items during any 3-month period with an aggregate fair market value exceeding \$80.00.
 - (3) Any amount of money, including a loan of money.
- (c) **Conferences, training, and meetings.** Notwithstanding rule 2-8.2(a)(3), an appointing authority may authorize an employee to attend a conference, training session, or other meeting, the

expenses of which are paid in whole or in part by a designated representative, if all of the following are met:

- (1) The employee's attendance is primarily for the benefit of the state.
- (2) The expenses paid are expenses, which if paid by the employee, would be reimbursable items under the standardized travel regulations or other policies of the employee's appointing authority.
- (3) The employee's appointing authority determines that paid attendance by the employee would not reasonably be expected to improperly influence how the employee performs work or makes decisions.

[Rule 2-8 last amended effective August 26, 2007]

2-9 [Reserved]

2-10 Whistleblower Protection

2-10.1 Reprisal Prohibited

An appointing authority shall not engage in reprisal against an employee for disclosing a violation or suspected violation of any of the following:

- (a) A state or federal law.
- (b) A lawful regulation or rule promulgated by a political subdivision of the state of Michigan.
- (c) A civil service rule or regulation.

2-10.2 Application

An employee who reports, or who is known by the appointing authority to have indicated an intent to report, violations or suspected violations is protected by this rule, unless the employee knew the report was false. This protection extends to an employee who participates in, or who was known by the appointing authority to have indicated an intent to participate in, a court proceeding or an investigation, hearing, or inquiry conducted by a public body.

2-10.3 Forms of Reprisal

Reprisal includes actions such as discharge, threats of discipline, or arbitrary and capricious changes in the conditions of employment.

[Rule 2-10 last amended effective March 18, 2001]

2-11 Leave of Absence with Pay

2-11.1 Authorization

An appointing authority may authorize salary payments to an employee to attend school, visit other governmental agencies, or undertake any other systematic improvement of the knowledge or skills required in the employee's work. Salary payments may be in whole or in part.